

REMARKS**I. Status of the claims**

Claims 14 and 16 are currently amended and claim 17 is canceled in the instant amendment. Claim 15 was previously presented in the amendment filed April 11, 2005. Upon entry of this amendment, claims 14-16 are pending.

II. The rejection of claims 14-17 under 35 U.S.C. § 112, first paragraph should be withdrawn

The Examiner rejected claim 14, under 35 U.S.C. § 112, first paragraph, for allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner further alleges that claim 14 includes limitations such as: “successively culturing the cell in a medium containing neomycin and a medium containing methotrexate;” “collecting rhMBP from the medium;” and “the full length nucleotide sequence set out in SEQ ID NO: 2” that are not described in the canceled claims or in the specification. Claims 15 and 16, which depend from claim 14, are also rejected because of the rejection identified above in base claim 14.

The Applicant disputes the merits of each rejection. For example, it defies common sense and defies the understanding of a person of ordinary skill to assert that “culture medium” fails to support a limitation that reads “culturing...in a medium” or to assert that the sequence found in SEQ ID NO: 2 fails to support a limitation to the full length sequence of SEQ ID NO: 2. The Examiner is reminded that the law does not require word-for-word support to satisfy 35 U.S.C. § 112, first paragraph (MPEP § 2163.02).

Amended claim 14 finds descriptive support in the specification at page 5, line 25, to page 6, line 13.

Applicant has canceled claim 17, rendering its rejection moot.

In view of these amendments, the rejections of claims 14-17 under 35 USC §112, first paragraph, should be withdrawn.

III. The rejection of claims 14-17 under 35 U.S.C. § 112, second paragraph should be withdrawn

The Examiner rejected claim 14 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite in the recitation of “Recombinant Human Mannan-Binding Protein (rhMBP),” and “set out in;” lacking proper antecedent basis in the limitation “rhMBP” in line 7 of claim 14, and also for being vague in the phrase of “comprising steps of.” Claims 15-17, which depend from claim 14, are also rejected as allegedly being indefinite because of the indefiniteness identified above in base claim 14.

Of course, most of the issues raised by the Examiner do not relate to any lack of clarity, so much as suggestion for more formal wording preferred by the Examiner, for which the Applicant gives thanks.

The Examiner suggested the following amendments to claim 14: replacing the limitation of “Recombinant Human Mannan-Binding Protein (rhMBP)” with the limitation --a Recombinant Human Mannan-Binding Protein (rhMBP)--; replacing the phrase “set out in” with the phrase --of--; replacing the limitation “rhMBP” with --the rhMBP--; and replacing the phrase “comprising steps of” with --comprising--. Amended claim 14 adheres to these suggestions.

The Examiner also alleges that the recitation of “a pNOW1-hMBP expression vector” in claim 14 is vague and confusing. Amended claim 14 recites --the pNOW1-hMBP expression vector--.

The Examiner rejected claim 16 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite and confusing in the limitation “said rhMBP has a peak molecular weight of about 1,000 kDa - about 1,300 kDa and about 200 kDa - about 400 kDa.” rhMBP, when subjected to gel-filtration chromatography at 280 nm absorbance, exhibits two specific peaks (1) at the molecular weight of 1,000 kDa - 1,300 kDa, and (2) at the molecular weight of 200 kDa - 400 kDa. Applicant has amended claim 16 to clarify the limitation by indicating that rhMBP has dual peak molecular weights when subjected to gel-filtration chromatography at 280 nm absorbance. Descriptive support for this amendment can be found in the application as filed on page 5, lines 22-24 and Figure 16.

The claim amendments are not intended or believed to narrow the scope of the claims in any way.

Applicant has canceled claim 17, rendering its rejection moot.

In view of the amendments to claims 14 and 16 and the cancellation of claim 17, Applicant respectfully submits that the rejections of claims 14-17 under 35 USC §112, second paragraph, should be withdrawn.

CONCLUSION

For the foregoing reasons, the Applicant requests that all rejections be withdrawn and the application be allowed.

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Respectfully submitted,

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